



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/319,699
By: Lippert et al.
Filed: 19 July 1999
For: Silicon Germanium Hetero Bipolar Transistor

Examiner: Wille, Douglas A.
Group Art Unit: 2814

86 Sparks Street
Cambridge, MA 02138-2216
5 December 2001

Hon.
Assistant Commissioner for Patents
Washington, DC 20231

Attention: Office of Petitions

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**Request for Reconsideration of Holding of Abandonment;
Revival - M.P.E.P §711.03 or 711.03(c)II.**

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Sir:

This is courteously to request reconsideration of the Holding of Abandonment of the instant application for Applicant's failure to respond to an Official Action allegedly mailed on 28 March 2001 (see the Notice of Abandonment mailed 23 November 2001).

Instead of the instant Request for Reconsideration, Applicant would have filed a Petition for Revival of an Unavoidably Abandoned Application under 37 C.F.R. 1.137(a); yet not having received the Action of 28 March, Applicant is unable to satisfy the requirement of the rule for a reply to the Action.

DISCUSSION

Upon receipt of the Notice of Abandonment, the undersigned attorney conducted a thorough search of his office, but was unable to discover the

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Application No.: 09/319,699

alleged Official Action or any record of it having been received. At the same time, he contacted the Applicant-Assignee's counsel in Berlin, Germany, to notify him of the Notice of Abandonment. He also notified the Examiner in charge of the application by telecopy of even date herewith of the intend to seek revival of the application.

The response to the enquiry received from counsel makes it clear that the customary copy of the action (see *infra*) has not been received.

The system used by the undersigned attorney for recording and tracking received Official Actions is similar to those used by the Patent Departments of two large Boston-based industrial companies in which the attorney was formerly employed (from 1965 to 1992) as a Patent Attorney.

Immediately upon receipt of an Official Action, it is date stamped, and the application to which the Action pertains is entered by the attorney's docket number in a paper calendar under the due date of such Official Action. A copy of the calendar sheet for the month of June 2001 is enclosed and will be found to display the docket numbers of several cases, except the one of the instant application, viz.: 990326.

The Action is then copied *in toto* and sent to the attorney's client for its comments and advice, sometimes with suggestions outlining a possible response.

Thereafter, the Official Action is placed in the file folder of its application and placed in a special file cabinet reserved for cases with pending Official Actions, in the chronological order the due dates of such Actions, for

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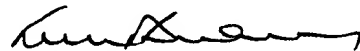
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subsequent response.

In the case at hand, no Official Action has been received; as indicated by the fact that the application file was retrieved, when the Notice of Abandonment came to hand, not from the special filing cabinet but from a general file where files of applications are kept which require no action.

In light of the circumstances described, it is earnestly urged that revival of the application accompanied by a copy of the lost Official Action and waiver of the fee pursuant to 37 C.F.R. 1.17(l) are indicated and are courteously solicited.

Respectfully submitted,



Karl Hormann
Registration No.: 26,470

Area Code (617)-491-8867

DAC

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)		Docket No. 990326
Applicant(s): Lippert et al.		

Serial No. 09/319,699	Filing Date 19 July 1999	Examiner Wille, Douglas A.	Group Art Unit 2814
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Invention: **Silicon Germanium Hetero Bipolar Transistor**

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I hereby certify that this Request for Reconsideration of Holding of Abandonment...
(Identify type of correspondence)
is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 1-703-308-7382)
on 6 December 2001
(Date)

Karl Hormann
(Typed or Printed Name of Person Signing Certificate)
[Signature]
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